

RESOLUTION NO. R-17-29

RESOLUTION TO APPROVE THE REQUEST OF REGENCY CENTERS LLC, BY EVAN PRITCHARD, ATTORNEY-IN-FACT, FOR SPECIAL EXCEPTIONS TO CITY CODE TO:

1. Allow a sidewalk that does not meet the minimum width required by section 110-4.4.4.A.1;
2. Allow property street frontages without a 10 foot wide landscape strip or street trees as required by section 110-4.5.6.B;
3. Reduce the minimum dimensions for parking islands permitted by section 110-4.5.7.D;
4. Provide no parking lot perimeter landscaping in areas where required by section 110-4.5.7.C.1;
5. Reduce the minimum front yard width required by section 110-3.6.2

on the premises known as 10334-10406 Fairfax Boulevard and more particularly described as tax map parcel(s) 57-2-02-028 through 57-2-02-031.

WHEREAS, Regency Centers LLC, by Evan Pritchard, attorney-in-fact, has submitted Application No. SE-16120067 requesting Special Exceptions to the City Code as listed above; and

WHEREAS, City Council has carefully considered the application, the recommendation from Staff, and testimony received at the public hearing; and

WHEREAS, City Council has determined that the proposed Special Exceptions are appropriate because the proposal meets the requisites established by City of Fairfax Code Section 110-6.17 for the following reasons:

1. The proposal ensures the same general level of land use compatibility as the otherwise applicable standards;
2. The proposal does not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate transitioning, screening, setbacks and other land use considerations;
3. The proposal is generally consistent with the purposes and intent of the city code and the comprehensive plan;
4. The proposal is based on the physical constraints and land use specifics, rather than on economic hardship of the applicant.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fairfax on this 11TH day of July, 2017, that Application No. SE-16120067 be and hereby is APPROVED, as requested, with the following conditions (as may be amended by City Council).

1. Final plans shall be in substantial conformance with the General Development Plan dated June 27, 2017 and as modified through the following conditions.
2. Approval of these land use requests shall be subject to issuance of a Letter of Map Revision (LOMR) by the Federal Emergency Management Agency declaring that the extent of the flood plain on the site has been modified as a result of the Northfax Transportation and Stormwater Improvements Project (Northfax Project). The applicant may be required to request a Special Use Permit for disturbance in the floodplain if any areas proposed for disturbance are located within the revised floodplain boundary identified in the LOMR.
3. Approval of these land use requests shall be subject to the results of a Resource Protection Area (RPA) delineation study indicating that no proposed areas of disturbance encroach into the revised RPA resulting from the Northfax Project. Any such encroachments may be subject to an additional Special Use Permit contingent on the requirements of the Zoning Ordinance.
4. The applicant shall relocate the existing bus stop and shelter to an alternate location within general proximity to the existing location should relocation be necessary due to other modifications to the site. The new bus stop location shall be improved to meet all local and federal design standards.

5. Left turn access from the eastern-most driveway to eastbound Fairfax Boulevard shall be restricted through a combination of signage and/or physical elements.
6. An additional pedestrian accessway shall be provided near the eastern-most driveway connecting the Fairfax Boulevard sidewalk to Building 3. The specific location of this accessway shall be determined during the administrative site plan review period.
7. The design of the eastern driveway shall be revised to provide a layout that is functional and reasonable to the satisfaction of the Director of Public Works. Should this revision require disturbance in the floodplain, the applicant shall apply for a Special Use Permit to City Council.
8. Where provided, tree cells shall be sized to adequately support the type of tree planted subject to manufacturer recommendations.
9. Additional ornamental trees shall be provided along the site's Fairfax Boulevard frontage if where approved by the Director of Public Works.
10. All hollies proposed along the site's Eaton Place frontage, except those used for screening transformers or other mechanical equipment, shall be replaced with ornamental trees.
11. Additional ornamental trees shall be provided within 20 feet of the property line along the site's Eaton Place frontage so that all ornamental trees are spaced a maximum of 50 feet apart from the existing bus shelter to the proposed parking lot island approximately 220 feet to the west. Any resulting loss of parking spaces to accommodate this condition shall be deemed in conformance with the approved plan.
12. A handrail, barrier or low fencing shall be provided along Eaton Place with a design that exhibits characteristics of demonstrated architectural aesthetic durability, subject to approval by the Director of Community Development and Planning. The handrail may include masonry piers, lighting features, vegetation or other elements that provide high quality screening of adjacent parking and service areas on the site in place of otherwise required landscaping elements.
13. The required Construction Management Plan shall include requirements for an opaque wrap of construction fencing and signage identifying the project and providing contact information for the developer and/or general contractor. All signage and fencing wrap shall be approved by the Director of Community Development and Planning.
14. All trees and shrub sizes shall meet the standards of the Zoning Ordinance at the time of planting.
15. Subject to the review and approval of the Director of Public Works and the Director of Community Development and Planning, the applicant shall design and construct a decorative ornamental masonry wall at least three feet in height along the site's Fairfax Boulevard frontage adjacent to the proposed parking areas, which shall be designed and constructed at the applicant's expense. The architectural design and proposed materials shall be subject to the Board of Architectural Review's review and approval; however, the wall shall be faced in either brick or stone, shall contain a decorative masonry cap, and shall have architectural details that serve to break up its length.

Adopted: July 11, 2017



Mayor

Attest:


City Clerk

The vote on the motion to approve was recorded as follows:

VOTE:

Councilmember DeMarco	Nay
Councilmember Drummond	Aye
Councilman Greenfield	Aye
Councilmember Miller	Aye
Councilmember Schmidt	Aye
Councilmember Stehle	Aye



Project: Fairfax Shopping Center
Address: 10334 Fairfax Boulevard
Case Number: BAR-17010015
Applicant: Nathan Bath

**MAJOR CERTIFICATE OF APPROPRIATENESS
FOR THE BOARD OF ARCHITECTURAL REVIEW**

Pursuant to Chapter 110 of the Code of the City of Fairfax, the proposed architecture and landscape design for the redevelopment of Fairfax Shopping Center is approved subject to the following conditions:

1. The proposed modifications shall be subject to the conditions recommended by the Board of Architectural Review on July 5, 2017, modified as follows: Condition 6 shall be removed.
2. The Applicant shall secure any required code administration and zoning approvals before commencing work.
3. The proposed modifications shall be in general conformance with the application package received by staff on June 14, 2017, and as updated through June 29, 2017, except as may be modified by the City Council, the Director of Community Development and Planning, Zoning, or the Building Official.

July 5, 2017 Board of Architectural Review conditions:

1. The dumpster enclosure and trash compactor area for the grocery store shall be dark gray, smooth, aggregate CMU block with precast caps and composite wood slat doors, to match those of the three retail buildings. The enclosure height or evergreen trees shall accommodate for required screening of the elevated sightline along Eaton Place.
2. If possible, a landscape area planted with evergreen trees shall be added north of the trash compactor area of the grocery store to better screen this area from view on Eaton place.
3. Where practicable, evergreens shall be planted north of the transformers in the northwest corner of the site and beside Retail Building 3 to better screen them from view on Eaton Place.
4. Where practicable, evergreens shall be planted along the west edge of the site to supplement the proposed deciduous trees.
5. Where practicable, shrubs shall be planted between the trees along the entrance opposite University drive, in all parking islands, and beneath the trees around the three retail buildings.
6. ~~Where practicable, small ornamental trees shall be planted within the storm water easement along Fairfax Boulevard to supplement the proposed shrubs, in combination with a wall structure, locations to be coordinated with the Department of Public Works, and to be reviewed and approved by the Board of Architectural Review at a later date.~~ [REMOVED BY CITY COUNCIL]
7. The Applicant shall secure any required code administration and zoning approvals before commencing work.

8. The proposed modifications shall be in general conformance with the application package received by staff on June 14, 2017, and as updated through June 29 2017, except as may be modified by the Board of Architectural Review, the Director of Community Development and Planning, Zoning, or the Building Official.
9. The applicant shall propose a mural to be painted on the east façade of the grocery store, to be reviewed and approved by the Board of Architectural Review at a later date.
10. The applicant shall return to the Board of Architectural Review with revised plans reflecting the amenity area to the west of Retail Building 2 for review and approval.
11. The applicant shall return to the Board of Architectural Review with revised plans reflecting the Whole Foods 365 extended seating area to wrap around the Fairfax Boulevard south side of the grocery building for review and approval.

Please note:

- A. The applicant shall not deviate from the approved design. Any subsequent changes to the proposed design, including changes to architectural details, color, materials and signage, must receive approval from the BAR or City staff prior to construction. Any deviation without City approval shall be subject to the penalties provided by the Code of the City of Fairfax.
- B. The applicant is responsible for incorporating this approved design with its conditions into the plans submitted to the City of Fairfax and for *obtaining all required permits prior to construction or installation.*
- C. This Certificate shall become null and void if no significant improvement or alteration is made in accordance with the approved application within eighteen (18) months from the date of approval.



David Meyer, Mayor



Date

Director of Community Development and Planning

Date